

806 KAR 39:070. Proof of motor vehicle insurance.

RELATES TO: KRS 186.021(3), 186A.040, 186A.042, 186A.095, 304.39-080, 304.39-083, 304.39-085, 304.39-087, 304.39-090, 304.39-117

STATUTORY AUTHORITY: KRS 186.021(3), 304.2-110(1), 304.39-117(1), 304.39-300

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.021(3) requires the commissioner of the Department of Insurance to promulgate an administrative regulation to establish the manner for presenting proof of motor vehicle insurance to a county clerk. KRS 304.2-110(1) and 304.39-300 authorize the commissioner to promulgate administrative regulations necessary for or as an aid to enforce the insurance code. KRS 304.39-117(1) requires the Department of Insurance to promulgate an administrative regulation that establishes the requirements for the proof of insurance that an insurer shall give to an insured. This administrative regulation establishes the requirements for the proof of insurance; the methods for reporting coverage provided for personal motor vehicles insured on a personal lines motor vehicle policy; the methods for presenting proof of motor vehicle insurance to a county clerk or peace officer; and the requirements for notifying the Department of Vehicle Regulation if a binder, contract, or commercial policy of motor vehicle insurance is cancelled or not renewed.

Section 1. Definitions. (1) "Commissioner" is defined by KRS 304.1-050(1).

(2) "Department" is defined by KRS 304.1-050(2).

(3) "Insurer" means an insurer under KRS 304.1-040.

(4) "Motor vehicle insurance policy" means an insurance contract that provides security covering a motor vehicle required to be registered pursuant to KRS 186.020 and insured pursuant to KRS 186.021 and 304.39-080.

(5) "Person" is defined by KRS 304.1-020.

(6) "Personal lines motor vehicle policy" means an insurance policy, issued by an insurance carrier authorized to do business in the Commonwealth of Kentucky, which insures a personal motor vehicle.

(7) "VIN" means the vehicle identification number of a motor vehicle.

Section 2. Proof of Insurance to be Provided by Insurers. (1) The proof of insurance required by KRS 304.39-117 shall be provided to the insured when a policy is issued, renewed, or amended to include a vehicle. An insurer electing to provide proof of insurance in an electronic format shall provide a printed proof of insurance unless the insured requests to receive proof of insurance in electronic format.

(2) Printed proof of insurance card.

(a) Two (2) copies of the printed proof of insurance card shall be provided for each motor vehicle insured under a motor vehicle insurance policy.

(b) Size and format of the printed proof of insurance card.

1. The printed proof of insurance card shall be:

a. A two and one-fourth (2 1/4) inch by three and one-half (3 1/2) inch card;

b. A two and one-fourth (2 1/4) inch by seven (7) inch card with a vertical fold resulting in a two and one-fourth (2 1/4) inch by three and one-half (3 1/2) inch card;

c. A four and one-half (4 1/2) inch by three and one-half (3 1/2) inch card with a horizontal fold resulting in a two and one-fourth (2 1/4) inch by three and one-half (3 1/2) inch card; or

d. A substantially similar size to the dimensions established in clauses a. through c. of this subparagraph.

2. The printed insurance card shall be on white paper with black or blue ink.

(3) Proof of insurance in an electronic format.

(a) Proof of insurance in an electronic format shall be downloaded from or transmitted by the insurer or agent to the insured.

(b) Proof of insurance in an electronic format shall not include a photographic copy of a paper insurance card on a portable electronic device.

(4) Mandatory contents of the proof of insurance. In either paper or electronic format, the proof of insurance shall prominently display the following information, in the order listed:

(a) Title: "COMMONWEALTH OF KENTUCKY PROOF OF INSURANCE";

(b) The name of the insurance company and its five (5) digit code number assigned by the National Association of Insurance Commissioners (NAIC), or the name of the Self-Insured Group and the group ID number provided by the department;

(c) The name of the named insured;

(d) The effective date and expiration date of coverage. If the policy is amended to add an identified vehicle midterm, the effective date on the card shall be the effective date of the amendment;

(e) The policy number;

(f) The type of policy:

1. If the policy is a personal lines motor vehicle policy for which premium is reported on the NAIC Annual Statement line 19.1 or 19.2, the insurer shall indicate the policy type as "Personal" or "PL"; or

2. If the policy is a commercial lines motor vehicle policy for which premium is reported on the NAIC Annual Statement line 19.3 or 19.4, the insurer shall indicate the policy type as "Commercial" or "CL"; and

(g) The vehicle or vehicles insured:

1. If the type of policy is personal lines (PL), the year, make, model, and VIN of each motor vehicle; or

2. If the type of policy is commercial lines (CL), and:

a. If the insurance contract covers four (4) or fewer vehicles, the year, make, model and VIN of each motor vehicle; or

b. If the insurance contract covers five (5) or more motor vehicles, it may state "Fleet" or the insurer may elect to include the year, make, model, and the VIN of each motor vehicle.

(5) Other information to be provided to the insured. The insurer shall:

(a) Include the following information on the proof of insurance if the information required by subsection (4) of this section is not obscured:

1. The insurer's logo;

2. A statement that establishes the procedure for contacting the insurer concerning a claim; and

3. The insurer's address; or

(b) Include the information listed in paragraph (a) of this subsection on a separate document or electronic image provided with the proof of insurance.

(6) An insurer shall furnish with the proof of insurance the following information:

(a) Instructions that the insured shall keep a copy of the proof of insurance in each motor vehicle covered by the policy at all times;

(b) Information as to whether or not the policy is a personal lines motor vehicle policy and whether or not the vehicle has been reported as an insured personal motor vehicle;

1. If so, the insured shall be informed that:

a. The proof of coverage information has been reported electronically to the Department of Vehicle Regulation; and

b. If the VIN does not appear in the database, the insured may be required to present proof of insurance to the county clerk for issuance of a replacement plate, decal, or registration cer-

tificate or renewal as alternative evidence of proof of coverage; or

2. If not, the insured shall be instructed to present proof of insurance to the county clerk for issuance of a replacement plate, decal, or registration certificate or renewal as evidence of proof of coverage; and

(c) Instructions to compare the VIN appearing on the registration, insurance policy and proof of insurance to the VIN affixed to the vehicle.

1. If the VIN on the motor vehicle title and registration and the VIN on the motor vehicle do not match, the policyholder shall contact the county clerk to have the title and registration corrected.

2. If the VIN on the proof of insurance and the motor vehicle do not match, the policyholder shall contact the insurer to have the insurance policy and card corrected. The insurer shall provide the name, address, and telephone number of an insurer representative to contact concerning a discrepancy. The telephone number shall be:

- a. The phone number of a local agent of the insurer; or
- b. A toll-free telephone number of the insurer.

Section 3. Methods of Proving Motor Vehicle Insurance. One (1) of the following methods shall be used to prove that motor vehicle insurance is in effect when registering a motor vehicle:

(1) The VIN appears as an insured motor vehicle in the Department of Vehicle Regulation's database;

(2) Proof of current insurance in paper or electronic format:

(a) If the database does not list the VIN of a vehicle insured on a personal lines motor vehicle (PL) policy, the proof of coverage shall indicate the proof was effective no more than forty-five (45) days prior to submission to the county clerk; and

(b) The county clerk may require the proof of coverage to be sent directly to the clerk by the agent or company;

(3) A certificate of insurance issued by an insurance agent with a casualty line of authority licensed by Kentucky;

(4) An insurance contract with a declaration page attached showing that the policy is in effect when the motor vehicle is being registered or transferred;

(5) A letter from the Kentucky Automobile Insurance Plan serving as prima facie evidence of insurance in force;

(6) If the owner of the motor vehicle is serving in the armed forces outside Kentucky, an affidavit by the provost marshal of the base where the person is stationed stating that the motor vehicle is covered by an automobile liability insurance policy; or

(7) A letter from the Kentucky Department of Insurance serving as prima facie evidence of self-insurance pursuant to KRS 304.39-080(7).

Section 4. Beginning January 1, 2006, and each month thereafter, an insurer shall submit information on each vehicle covered by a personal lines motor vehicle policy according to the rules contained in Section 2.1 of the Kentucky Automobile Liability Insurance Reporting Guide.

Section 5. For motor vehicles insured under a commercial lines or fleet policy, each insurer shall report cancellations pursuant to Part 2.2 of the Kentucky Automobile Liability Insurance Reporting Guide.

Section 6. An insurance agent shall submit to the Department of Vehicle Regulation a completed Form TC96-30 if the purchaser of a binder or temporary insurance contract cancels the

binder or contract before the agent has submitted the application to the insurance company.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Kentucky Automobile Liability Insurance Reporting Guide", Transportation Cabinet, Department of Vehicle Regulation (Version 1.6, 8/15/2005 edition); and

(b) "Form No. TC 96-30, Motor Vehicle Insurance Agent Insurance Binder Cancellation Form (5/05 edition)", Kentucky Transportation Cabinet, Department of Motor Vehicle Regulation.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Vehicle Regulation, P. O. Box 2014, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The material may also be obtained at the Transportation Cabinet Web site: <http://transportation.ky.gov/mvl/home.htm>. The material may also be obtained at the Department of Insurance Web site: <http://insurance.ky.gov>. (11 Ky.R. 685; Am. 975; eff. 11-13-84; 1661; 12 Ky.R. 19; 125; eff. 7-9-85; 14 Ky.R. 2063; 15 Ky.R. 15; eff. 7-1-88; 24 Ky.R. 764; 1264; eff. 12-15-97; 32 Ky.R. 362; 695; 888; eff. 12-2-2005; 40 Ky.R. 1141; 1723; 2132; eff. 4-4-2014; Crt To Be Amended.)